

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DIANE COWAN, et al.**

**PLAINTIFFS**

**and**

**UNITED STATES OF AMERICA**

**PLAINTIFF-INTERVENOR**

**v.**

**Civil Action No. 2:65-CV-00031-DMB**

**BOLIVAR COUNTY BOARD OF  
EDUCATION, et al.**

**DEFENDANTS**

---

**PROPOSED DESEGREGATION PLAN OF THE CLEVELAND SCHOOL DISTRICT**

---

The Cleveland School District (the “District”) submits the following information regarding its proposed desegregation plan as set out in the Court’s October 4, 2016 Order, [239].

**1. A detailed description of the proposed plan and educational program for grades 6-12 to be implemented by the beginning of the 2017-2018 school year:**

The District proposes a single high school at the current Cleveland High campus, a single seventh and eighth-grade junior high at the current Margaret Green campus, and a sixth-grade academy at the Walter Robinson Achievement Center (“WRAC”). All sixth-grade students, with the exception of those at Bell Academy and Hayes Cooper Elementary, will be assigned to the WRAC. This plan provides for a single grade structure for every student in seventh through twelfth grades, and for all sixth-grade students, except those attending sixth-grade at Hayes Cooper or Bell, two formerly all black schools.

**A. Capacity as it relates to the proposed plan:**

The current sixth through twelfth-grade enrollment of the District is as follows:

<b>School</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
<b>Bell Academy</b>	30						
<b>Hayes Cooper Center</b>	42						
<b>D.M. Smith</b>	84	109	88				
<b>Margaret Green</b>	102	145	134				
<b>Cleveland High School</b>				166	163	138	128
<b>East Side High School</b>				102	112	89	74
<b>Total</b>	<b>258</b>	<b>254</b>	<b>222</b>	<b>268</b>	<b>275</b>	<b>227</b>	<b>202</b>

The capacity of the effected District's schools are as follows:

<b>School</b>	<b>Capacity <sup>1</sup></b>
<b>Cleveland High</b>	576 Optimal/ 720 Maximum
<b>East Side High</b>	792 Optimal/990 Maximum
<b>D.M. Smith</b>	636 Optimal/840 Maximum
<b>Margaret Green Junior High</b>	568 Optimal/750 Maximum
<b>New Ninth-Grade Academy</b>	288
<b>Walter Robinson Achievement Center ("WRAC")</b>	240

In order to accommodate every ninth through twelfth-grade student at the Cleveland High/Margaret Green campus, the District proposes constructing a ninth-grade academy at the campus. Architect Joey Henderson has prepared schematics and drawings of the new ninth-grade academy. Exhibit 1, Schematics and Drawings. The ninth-grade academy will have a capacity of 288 students. It will be able to house the current ninth-grade enrollment of 268 students as well as the projected ninth-grade enrollment for 2017-18 of 222 students.

With respect to Cleveland High, the current tenth through twelfth-grade enrollment is 704 students. The projected tenth through twelfth-grade enrollment for 2017-18 is 770 students. If the new combined high school is oversubscribed, the District will utilize the adjacent Margaret Green campus which, using current or projected enrollment figures, will be under capacity. The current enrollment at Margaret Green is 381 students. Under the District's proposed plan, the projected enrollment for all seventh and eighth-grade students at Margaret Green is 512 students.

All sixth-grade students, except those attending Bell and Hayes Cooper, will be assigned to the WRAC. The WRAC is not currently being utilized full-time by the District. The projected enrollment at the WRAC for 2017-18 is 186 students.<sup>1</sup> The District proposes adding two new classrooms to the WRAC and renovating an existing multi-purpose room to add a cafeteria. The planned capacity of the WRAC after renovations is 240 students.<sup>2</sup>

**B. Proposed educational program:**

The District proposes following the Mississippi Department of Education approved curriculum for the general student population at the combined high school. See, Exhibit 2 for the District's course listing. The District anticipates offering this same list of courses to the general student population at the combined high school.

For advanced high school students, the District has several options. First, the District is implementing the following Advanced Placement ("AP") classes: Biology, English, World History, U.S. History, Calculus, and Chemistry. The District elected to offer AP courses rather than continue with the International Baccalaureate Curriculum ("IB") because of IB's significant cost and the uncertainty of the IB credits being accepted at certain universities. Additionally,

---

<sup>1</sup> All projected student enrollment numbers are based on current enrollment figures by grade. For the WRAC, the seventy-two students enrolled at Hayes Cooper and Bell were subtracted from the overall sixth-grade enrollment of 258 students.

<sup>2</sup> Utilizing the same calculation used for Margaret Green, capacity of 240 students is calculated based on ten classrooms with twenty-four students per class.



District students had not had as much success as the District would have liked at passing the IB rigor test at the close of each class. AP, however, offers certainty of college credit for classes taken by students at a much lower cost to the District.

The District will also be offering dual credit opportunities through Mississippi Delta Community College for students at the combined high school. Currently, East Side High offers the only dual credit opportunity. With a combined high school, all students will be offered this dual credit opportunity. This dual credit program is offered to qualifying students at a cost of \$75 per class. Classes are taught at the high school with credit applied for passing students, which will be recognized at colleges and universities.

For the middle school and sixth-grade academy, the District will offer the required Mississippi High School curriculum and its popular STAR program for higher achieving seventh and eighth-grade students. Under the District's plan, the STAR program would be expanded to allow for more slots, because all middle school students would be attending the same school.

**2. A detailed assessment of how the proposed plan will further desegregation at the District's schools serving grades 6-12 (excluding any elementary school serving grade 6):**

The District's proposed plan creates a single grade structure for seventh through twelfth grades. Thus, the entire student population in grades seven through twelve will be assigned to the same school, achieving complete desegregation. The same is true for the sixth-grade academy where all sixth-grade students not enrolled at Bell Academy or Hayes Cooper will attend the same school, achieving complete desegregation at that grade level.

**3. A detailed assessment of how the proposed plan will affect the District's obligations in the areas of faculty, staff, extra-curricular activities, transportation, and facilities:**

**A. Faculty and Staff**

The District anticipates that all existing teaching faculty will be necessary at the new high school, middle school and sixth-grade academy. Thus, all teachers will simply transition into their new roles at the new schools. Because all teachers will be together, the issues of racial identifiability of the faculty to the school will be a non-issue. The District will continue its efforts to recruit minority applicants. Exhibit 3, Affidavit of Dr. Jacquelyn Thigpen.

Regarding principals, assistant principals, and other senior staff, the Superintendent may have to demote certain personnel. These decisions will be made based on the particular staff member's experience and ability. For those employed as cafeteria workers and janitors, some cut-backs may be needed because of decreased facility use. *Id.* Again, this reduction in force will focus on the particular employee's experience and ability.

**B. Extracurricular Activities**

The following activities will be available to all seventh through twelfth-grade students:

High School Boys

Football  
Baseball  
Basketball  
Cross Country  
Soccer  
Track  
Swimming  
Power Lifting  
Golf  
Tennis  
Bowling

High School Girls

Volleyball  
Fast Pitch Softball  
Basketball  
Cross Country  
Soccer  
Track  
Swimming  
Power Lifting  
Golf  
Tennis  
Bowling  
Cheer  
Dance

Junior High Boys

Football  
Baseball  
Basketball  
Cross Country  
Soccer  
Track  
Swimming  
Golf  
Tennis

Junior High Girls

Fast Pitch Softball  
Basketball  
Volleyball  
Cross Country  
Soccer  
Track  
Swimming  
Golf  
Tennis  
Cheer  
Dance

Additionally, because of the anticipated interest, the District is investigating the possibility of utilizing junior varsity and ninth-grade teams at the high school level to allow for increased student participation. No student will be discriminated against or segregated because of their race in any extra-curricular activities. All sports opportunities will be made available to students who wish to try-out for the team. Sixth-grade students do not participate in competitive sports.

For clubs and other non-sports activities, all such activities will be made available to all students in grades six through twelve on a non-discriminatory basis. *See*, Ex. 3.

**C. Transportation**

As set out in the affidavit of Larry Harkins, the District's Transportation Director, the District will implement a transportation program under the new plan which will ensure no student will have to ride the bus more than five minutes longer than their current route length. Exhibit 4, Affidavit of Larry Harkins.

**D. Facilities**

Because all students in grades six through twelve (with the exception of Bell and Hayes Cooper sixth-grade students) will be educated in the same facility, the District will have met its obligations not to discriminate against any student in its use of facilities.



Moreover, as more fully detailed below, the District's plan includes improving certain the WRAC, making the high school more ADA compliant, and building a new ninth-grade academy wing, all of which will benefit all students on each grade level.

**4. A detailed timeline for implementing the proposed plan by the beginning of the 2017-18 school year, identifying necessary actions to be taken during the 2016-17 school year, including but not limited to, program design, staffing, facility use, professional development, funding, and engagement of parents, students, and the community regarding the plan and its implementation:**

<i>9/3/2016-11/3/2016</i>
<ul style="list-style-type: none"> <li>• Form a multiracial advisory panel to assist CSD with developing implementation strategies and public engagement efforts supporting the Plan, which will meet regularly.</li> <li>• Identify opportunities for collaboration with key community members (e.g., local universities, employers, arts organizations, civic groups) on Plan implementation and academic programming.</li> <li>• Engage in academic and curricular planning to determine which programs will continue in the new schools and whether new academic or extracurricular programs or opportunities will be introduced.</li> <li>• Assess facilities needs for the consolidated schools and develop a plan to design, budget, and complete any necessary or desired renovations or repairs.</li> <li>• Develop a plan to ensure a smooth transition for athletic teams and extracurricular activities.</li> </ul>
<i>Fall 2016 – 11/3/2016 – 12/4/2016</i>
<p>Continue implementation of measures begun <i>September 3, 2016</i>.</p> <ul style="list-style-type: none"> <li>• In conjunction with the multiracial advisory panel, develop and begin implementing marketing and public engagement plans.</li> <li>• Review staffing needs, engage in targeted faculty recruitment efforts, and determine whether reassignments or reductions in force will be needed.</li> <li>• Begin any necessary renovations and repairs on existing facilities.</li> </ul>
<i>Winter 2016-2017 – 12/5/2016 – 3/5/2017</i>
<ul style="list-style-type: none"> <li>• Continue implementation of measures begun <i>September 3, 2016 and Fall 2016</i></li> <li>• With the multiracial advisory panel, design and implement a roll-out plan to introduce and promote the new schools</li> <li>• Formally notify middle and high school students of their <i>2017-2018</i> school assignments.</li> <li>• Take appropriate personnel actions to staff the new schools (e.g., new hiring, using retention measures, notifying current employees of any necessary reassignments or reductions in force).</li> <li>• Implement and promote new academic programs and opportunities, and take appropriate steps to ensure transition of existing programs to the consolidated schools.</li> </ul>
<i>Spring 2017 - 3/6/2017 – 5/21/2017</i>
<ul style="list-style-type: none"> <li>• Continue implementation of measures begun in <i>Fall/Winter 2016</i></li> <li>• Complete necessary facility renovations, repairs, and other improvements.</li> <li>• With the multiracial advisory panel, engage in publicized roll-out activities (e.g., events, school tours, media campaign) and provide information to all parents and students on the new schools.</li> </ul>

<p><i>2017-2018 School Term</i></p> <ul style="list-style-type: none"> <li>• Continue implementation of measures begun <i>2016 and Spring 2017</i></li> <li>• Open the new consolidated middle school and new consolidated high school in <i>August 2017</i></li> <li>• With multiracial advisory panel, address implementation issues arising during school year.</li> </ul>
---

**5. Deadlines for securing necessary funding:**

The District will need 3.65 million in order to construct the new ninth-grade academy, make additions to and improve the WRAC, and make improvements at Cleveland High. Exhibit 5, Henderson Estimate and Timeline.

The District can utilize the 3 mil note process which can be completed in as little as 60 days with a maximum of 90-120 days. The process is statutory. Exhibit 6, Affidavit of Jim Young. The District will vote at its November 14, 2016 meeting to begin that process in anticipation of the Court's ruling, but will not finalize the process until the Court has ruled. This will enable the District to secure the funding under the 3 mil note process within a 45-60 day time frame following a favorable ruling by the Court. *Id.*

For the sixteenth section funds, the District may borrow against that fund by Order of the Board of Trustees, which may be accomplished at any time. *Id.*

**6. Deadlines for design and construction:**

Architect Joey Henderson has prepared a detailed schedule for each of the 3 construction issues associated with the District's new plan: (1) ninth-grade wing construction; (2) sixth-grade academy renovation and construction and (3) ADA compliance issues to be addressed at Cleveland High. Ex. 5.

**7. Specifics of branding and/or renaming the new schools:**

The District proposes creating a combined committee of all student council representatives from the now-existing middle and high schools that will split into two committees for the purpose of (1) suggesting school names, and (2) suggesting mascots and



colors. The District proposes these committees make recommendations to the Board of both names of the new schools and mascots/colors for the schools (utilizing a student contest for the mascot/colors). Once the Board reviews and determines the suggested names and mascots are appropriate, then the slate of names and mascots/colors will be submitted to the entire current sixth through twelfth-grade student body for a vote.

**8. How the proposed modification will meet the problem of white flight:**

The District's consolidation plan is more likely to preserve racial diversity. The aim of the District's consolidation plan is to preserve the District's racial diversity, thereby maximizing opportunities for meaningful integration. As Dr. Rossell confirmed, without white students, there can be no meaningful integration. CSD Ex. 11-E, p. 13.

As of June 1, 2016, 28.5 % of the District's students were white. [216-1]. That number is decreasing. In fact, between September, 2014 and June, 2016, the District lost eighty-five white students, or 7.5% of its white student population. [227-1]. Further, by June 9, 2016, *only four weeks after the Court's May 13, 2016 Order*, the District had received notice that seven white students from Margaret Green were leaving the District for private schools, and eight white students from Hayes Cooper (rising seventh-graders) were leaving the District for private schools. [227-2]. Parents of eleven of these students confirmed "forced consolidation and choices as parents are being taken away" as the reason for withdrawing. *Id.* The loss of these fifteen students equates to over \$75,000.00 in state funding. *Id.*

The reluctance of white students to matriculate to East Side was confirmed by the Private-Plaintiffs' own witness, Leroy Byars, who testified unequivocally that white students would never enroll at East Side under the plan now adopted by the Court. Tr. 800. The District's proposed plan avoids the obstacle Mr. Byars identified by utilizing the Margaret Green

and Cleveland High facilities. With its consolidation plan, the District hopes to minimize the loss of white enrollment already occurring in the District.

Further, the District has already been successful in integrating Cleveland High School and Margaret Green Junior High and believes its consolidation plan is more likely to continue this success compared to the plan ordered by the Court. *See, e.g.*, CSD Ex. 11-E, p. 7, Dr. Rossell's report confirming increased integration at Margaret Green and Cleveland High; Tr. 389-90, testimony from Dr. Smrekar confirming increasing integration at Margaret Green and Cleveland High following implementation of Judge Davidson's open enrollment plan.<sup>3</sup>

**9. The feasibility of the proposed contingency plans to ensure desegregation by the August 2017 school year:**

If the construction and renovation plans have not concluded at the WRAC and the current Cleveland High campus by August 2017, the District would utilize East Side High as the temporary ninth-grade academy and either D.M. Smith or East Side for the sixth-grade.

Based on the sixth and ninth-grade enrollment and the capacities at those schools, utilizing East Side and D.M. Smith temporarily would create no issues for the District in terms of housing students. D.M. Smith has a capacity of 636 while East Side has a capacity of 792. There are currently 258 sixth-grade students and 268 ninth-grade students in the District. The District would also be able to utilize these alternate buildings to fulfill all educational needs of the age groups involved as these buildings are already set-up to provide educational resources to this specific group of students.

Also, the District's modified plan calls for both the sixth-grade and the ninth-grade to be separated from the seventh and eighth grades and tenth through twelfth grades, respectively. Therefore, there is no logistical impediment to housing the sixth grade and ninth grade

---

<sup>3</sup> This Court may consider the likelihood of white student departure when choosing between constitutional desegregation plans. *United States v. Pittman*, 808 F.2d 385, 391 (5th Cir. 1987).

temporarily in “off campus” buildings from the seventh and eighth grades and tenth through twelfth grades, because the proposed plan contemplates as much once fully implemented. To the extent the ninth-grade students require bussing to the new combined high school for athletics and other extra-curricular activities, the District will provide the needed transportation.

**10. Information on the estimated cost for repairs, renovations and additions contemplated by the Modified Plan, including any premiums for expedited construction:**

Please see cost estimates provided by Joey Henderson and attached as Exhibit 5.

**11. The latest possible date that the Court could order the implementation of the Modified Plan in order to have such a plan implemented for the 2017-2018 academic year**

Because of the District’s contingency plan, the District could mobilize for a 2017-2018 start date as late as May 31, 2017. The District is already involved in implementing the current Court-ordered consolidation plan. All steps involved in implementation of the Court’s consolidation plan are applicable to the District’s proposed plan.

**12. A detailed description of any contingency plan(s) if the Modified Plan cannot be implemented as proposed by the 2017-2018 school year:**

See Section 9, above.

**13. Information on the estimated cost and proposed timing if such contingency plan(s)**

The District does not anticipate any significant extra cost associated with the contingency plans other than paying for the utilities at East Side and/or D.M. Smith while renovation and construction is complete. However, there would also be utility costs associated with operating the WRAC and the new ninth-grade academy, which would off-set these aforementioned costs. The District would also pay for the transportation of students participating in after school activities, but the District does not anticipate this being a significant cost.



Respectfully submitted, this 14th day of October, 2016.

**CLEVELAND SCHOOL DISTRICT**

/s/ Jamie Jacks

**OF COUNSEL:**

Holmes S. Adams  
MS Bar No. 1126  
John S. Hooks  
MS Bar No. 99175  
Lindsey O. Watson  
MS Bar No. 103329  
ADAMS AND REESE LLP  
1018 Highland Colony Parkway, Suite 800  
Ridgeland, MS 39157  
Telephone: 601-353-3234  
Holmes.Adams@arlaw.com  
John.Hooks@arlaw.com  
Lindsey.Oswalt@arlaw.com

Jamie F. Jacks  
MS Bar No. 101881  
Gerald H. Jacks  
MS Bar No. 3232  
Jacks Griffith Luciano, P.A.  
Post Office Box 1209  
Cleveland, Mississippi 38732  
Telephone: 662-843-6171  
jjacks@jacksadamsnorquist.com  
gjacks@jacksadamsnorquist.com

**CERTIFICATE OF SERVICE**

I, John Hooks, attorney for Defendant Cleveland School District, do hereby certify that I have this date served by electronically filing via the ECF system to all registered counsel of record.

Dated: October 14, 2016.

/s/ Jamie F. Jacks

